

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF WEST VIRGINIA**

SCOTT T. BALLOCK,

Plaintiff,

v.

**CIVIL ACTION NO.: 1:17-CV-52
Honorable Irene M. Keeley**

**ELLEN RUTH COSTLOW,
STATE TROOPER MICHAEL KIEF,
STATE TROOPER RONNIE M.
GASKINS, AND STATE TROOPER
CHRIS BERRY,**

Defendants.

DEFENDANTS' JOINT MOTION TO DISMISS

Defendants Ellen Ruth Costlow, by her counsel, and Defendants State Trooper Michael Kief, State Trooper Ronnie M. Gaskins, and State Trooper Chris Berry (collectively, the “State Police Defendants”), by their counsel, jointly move the Court, under Federal Rule of Civil Procedure 12(b)(6) to dismiss all claims against them. As set forth more fully in the accompanying memorandum of law, all of Plaintiff Scott T. Ballock’s causes of action arise from an alleged investigation and arrest of Mr. Ballock, which Mr. Ballock claims was conducted without probable cause. The State’s motion to dismiss the criminal charges, upon which Mr. Ballock’s claims necessarily relies and to which he expressly refers in the Complaint, shows that he agreed that probable cause existed for his arrest. Moreover, all of Mr. Ballock’s state law claims are time-barred. Finally, Mr. Ballock fails to allege sufficient facts to make his causes of action plausible.

WHEREFORE, Defendants Ellen Ruth Costlow, State Trooper Michael Kief, State Trooper Ronnie M. Gaskins, and State Trooper Chris Berry respectfully request that the Court

GRANT their Motion and enter an Order dismissing Plaintiff Scott T. Ballock's claims against them and that an award for costs, including any attorney fees, be awarded to them.

Dated this 2nd day of May 2017.

Respectfully submitted,

/s/ Mark G. Jeffries

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*Counsel for Defendants State Trooper
Michael Kief, State Trooper Ronnie M.
Gaskins, and State Trooper Chris Berry*

/s/ P. Todd Phillips

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Counsel for Defendant Ellen Ruth Costlow

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GASKINS, AND STATE TROOPER
CHRIS BERRY,**

Defendants.

CERTIFICATE OF SERVICE

I hereby certify that, on the 2nd day of May 2017, I filed the foregoing “Defendants’ Joint Motion to Dismiss” with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

P. Todd Phillips, Esq.
P. TODD PHILLIPS & ASSOCIATES
235 High Street, Suite 322
Morgantown, WV 26505

Counsel for Defendant Ellen Ruth Costlow

I further certify that, on the 2nd day of May 2017, I served the same upon Plaintiff Scott T. Ballock, *Pro Se*, via certified U.S. mail, return receipt requested, by depositing a true copy thereof, postage prepaid, in an envelope addressed as follows:

Scott T. Ballock
51 Summit Overlook Drive
Morgantown, WV 26508

Pro Se Plaintiff

/s/ Mark G. Jeffries

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